

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALEXA GROSSMAN, individually on behalf of herself and all others similarly situated,	X
Plaintiff,	:
v.	:
SIMPLY NOURISH PET FOOD COMPANY LLC and PETSMART, Inc.,	:
Defendants.	X

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, as well as Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and based on defendants PetSmart, Inc.'s and Simply Nourish Pet Food Company LLC's accompanying Memorandum of Law in Support of its Motion to Dismiss, and the Declaration of Keri E. Borders and exhibits thereto, the undersigned hereby will move this Court before the Honorable Kiyo A. Matsumoto at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and time to be determined by the Court, for an order dismissing the Class Action Complaint (ECF No. 1) with prejudice, on the grounds that (1) plaintiff fails to plausibly allege that she was, or that a reasonable consumer would be, deceived; (2) plaintiff lacks standing to pursue her claims; and (3) plaintiff fails to adequately plead her additional state-law claims.

Dated: July 10, 2020

Respectfully submitted,

By: /s/ Keri E. Borders
Keri E. Borders

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